

Remarks

As stated above, Applicants appreciate the Examiner's thorough examination of the subject application and request reexamination and reconsideration of the subject application in view of the preceding amendments and the following remarks.

Currently, claims 1 and 3-26 are pending in the subject application, of which claims 1, 3, 6, 8, 11, 15, 18, and 22 are independent claims.

Regarding item 3 of the office action, the Examiner has objected to claim 7 because it contains the typographical error: "further comprising: 21." Applicants have amended claim 7 to corrected the error by removing the text "21." Withdrawal of this objection is respectfully requested in view of the foregoing amendment.

Concerning Item 7 of the subject office action, the Examiner rejects claims 1, 3-16, and 18-26 as unpatentable under 35 U.S.C § 102(e) over U.S. Patent 6,671,692 ("Marpe"). Applicant has amended claims 1, 3, 8, 11, 18 and 22 to include the element "consolidating customer accounts wherein consolidating includes matching one or more customer accounts of the organizations." Claims 6 and 15 contain similar language.

As an exemplar, claim 6 sets forth:

6. (Previously Presented) A method comprising:
facilitating consolidation of customer-related information for a first organization being merged with a second organization, wherein the customer-related information includes customer accounts, and the consolidation includes matching one or more customer accounts of the organizations; and
facilitating consolidation of customer-related assignments of at least one of the organizations.

Subject Application (claim 6; emphasis added).

In response to Applicants previous arguments against the rejection of independent claim 6, the relevant feature "consolidation includes matching one or more customer accounts of the

organizations" being generally incorporated into amended claims 1, 3, 8, 11, 18, and 22, the Examiner cites Marpe column 18, lines 24 and 55 in support of the notion that Marpe discloses the matching element. Marpe recites:

The Executive Dashboard is a consolidated tool that provides a means for executives to access key information in a quick and illustrated manner. For Release I the Executive Dashboard may include two or more categories including a Merger Integration Balanced Scorecard and a Progress/Status Report.

Marpe, column 18, lines 24-34 (emphasis added).

In another aspect of the present invention, the projects may include customers, customer service, employees, financials, and technology. In a further aspect of the present invention, the criteria may include not started, on schedule, behind schedule, at risk, not applicable, and complete.

The first topic the Merger Integration Balanced Scorecard can include is an Issue Resolution section. This will provide executives with an opportunity to review information on open, resolved, and executive attention issues. Secondly, the Scorecard will include an update of Key Milestones, including: the total number of Planned Milestones as well as the number of Made Milestones.

The Progress/Status section looks at 5 projects including: Customer, Customer Service, Employee, Financials and Technology. Each Line of Business is "scored" in 6 different areas (Define Requirements, Design, Development, System Test, Integrated Test and Mock Conversion). Scores include Not Started (black), On Schedule (green), Behind Schedule (yellow), At Risk (red), Not Applicable (black) and Complete (a grayed out field).

The Executive Dashboard program will exhibit basic functionality. Since the user is not required to input any data, there are no required fields. However, listed below are the field names that will appear on the page. Most of the fields on the Executive Dashboard page are static. Those fields that are marked with an asterisk. These fields are `integer` fields. They will display a number generated by the program. Customer Customer_Service Employees ...

Marpe, col 18 lines 53-67. Marpe appears to disclose a system where a "Progress/Status section looks at ... customers." However, it does not appear that Marpe includes the concept or notion of matching and/or consolidating customers across two or more merger organizations.

Additionally, in response to Applicants previous arguments against the rejection of claims 6 (relevant limitations of which have generally been incorporated into independent claims 1, 3, 8, 11, 18, and 22) The Examiner stated that "[i]t is implicit from the ability to track issues relating to customers involved in a merger or acquisition that querying, or "matching", must be made regarding customer accounts[.]" Office Action, page 12. However, Applicants respectfully submit that Marpe does not inherently or implicitly disclose the "matching" element because, in order to inherently disclose an element, the element *must be necessary* to the thing described in the reference, i.e., the inherent element *must necessarily flow* from the thing described in the reference such that the thing would not be able to function or operate without the inherent element. See In re Robertson, 169 F.3d 743, 745, 749 (a reference inherently discloses a material element only if the element is necessarily flows from the thing described by the reference); see also MPEP § 2112(IV). The "matching" process is not necessarily present in the Marpe disclosure; Marpe is silent as to "matching" customer accounts and the "matching" element does not *necessarily* flow from the "issue tracking" of Marpe. It is not necessary to match customer accounts in order to operate the system described in Marpe. For example, the Marpe process may use duplicate, non-consolidated accounts to facilitate a merger, or it may not use any customer accounts, and therefore may not match any accounts during the merger and acquisition. Indeed, Marpe discloses a system where customer accounts are not "matched." Although not described here, Applicants respectfully submit that there are also many other ways Marpe could track issues and facilitate a merger or acquisition without "matching" customer accounts and/or issues related to customer accounts.

Since the matching concept is not disclosed by Marpe, and since there are numerous ways that a merger process can operate without matching and even without customer accounts, it

appears that the concept of matching customer accounts falls outside the explicit disclosure of Marpe, and is not an inherent feature of the system disclosed by Marpe.

Accordingly, since the "matching" element is neither explicit, nor inherent, in Marpe, Applicants respectfully submit that Marpe is insufficient to anticipate any of independent claims 1, 3, 6, 8, 11, 15, 18 and 22, each generally reciting, in part, consolidating customer accounts wherein consolidating includes matching one or more customer accounts of the organizations. Applicant respectfully requests withdrawal of the § 102(e) rejections of claims 1 and 3-26 in view of the foregoing discussion.

Regarding Item 9, the Examiner rejects Applicants' Claim 17 as obvious under 35 USC § 103(a) based on the teachings of Marpe. Claim 17 is dependant upon independent claim 15. As discussed above, Applicants submit that claim 15 is patentable over Marpe, in that Marpe neither teaches nor suggests every aspect of independent claim 15. Moreover, in relevant part claim 17 recites a "second list of customer accounts related to un-matched accounts." As the Examiner noted, Marpe does not disclose a list of un-matched accounts. Applicants respectfully submit that one of ordinary skill in the art would not be motivated to apply an un-matched accounts criterion to display a second list in order to provide executives with detailed information because it is not understood that presenting such a list is necessary to facilitate a merger and/or acquisition.

Additionally, the presentation of un-matched accounts in a second list calls special attention to the un-matched accounts. The un-matched list represents a discrepancy in the matching and pairing of the accounts across one or more merger organizations. Presenting a second list of accounts separates the un-matched accounts into their own category; it alerts executives that the un-matched accounts are items that may need extra care and attention. Separation of the un-matched accounts provides an additional, unanticipated benefit in that it

flags the un-matched accounts as an important discrepancy and calls them to direct attention. Applicants respectfully submit that Marpe does not suggest that un-matched accounts require additional attention or that they should be flagged in their own separate list. Accordingly, Applicants respectfully contend that an un-matched list in Claim 17 is not an obvious innovation, and that Marpe does not disclose, or even suggest, each and every element of the Claim 17. Applicants respectfully request withdrawal of the rejection of claim 17 under 35 USC § 103(a).

In light of the amendments described above, Applicants respectfully assert that the subject application is in condition for allowance. The Examiner is invited to telephone Applicants' attorney (@ 617-305-2143) to facilitate prosecution of this application.

While no additional fees are believed necessitated by this response, in the event that additional fees are payable, please charge our Deposit Account No. 50-2324 as necessary.

Respectfully Submitted,

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/Brian J. Colandreo/
Brian J. Colandreo
Reg. No. 42,427

Holland & Knight LLP
10 St. James Avenue
Boston, MA 02116-3889
Telephone: 617-305-2143
Facsimile: 617-523-6850

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